



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

October 28, 2011

**By Certified Mail and**  
**By Electronic Mail**

James L. Meeder  
Allen Matkins Leck Gamble Mallory & Natsis LLP  
Three Embarcadero Center, 12<sup>th</sup> Floor  
San Francisco, CA 94111-4074

Re: Freedom of Information Act Request 09-FOI-00005-12  
Concerning HVI Cat Canyon, Inc., f/k/a Greka Oil & Gas, Inc.

Dear Mr. Meeder:

The United States Environmental Protection Agency Region IX ("EPA") has received your Freedom of Information Act ("FOIA") request dated October 3, 2011, concerning HVI Cat Canyon, Inc., f/k/a Greka Oil & Gas, Inc. ("Greka").

EPA estimates that the work required to provide the documents requested will cost \$30,000. Pursuant to 40 CFR § 2.107, EPA must obtain your commitment to pay these costs before searching for or duplicating the records in response to your request.

EPA's Public Information Regulations at 40 CFR Part 2, Subpart A – Procedures for Disclosure of Records under the Freedom of Information Act, Section 2.104(d), provide for an extension of the statutory time limits for a response in the event of "unusual circumstances." Section 552(a)(6)(B)(iii) of FOIA, 5 USC § 552(a)(6)(B)(iii), defines "unusual circumstances" as

(1) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request; (2) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; and (3) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

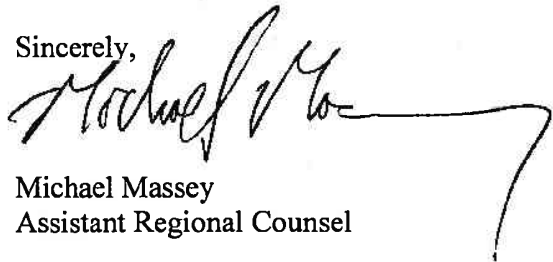
Your request meets the criteria for at least two of the "unusual circumstances" identified in FOIA: (1) it requires the search for and review of voluminous records (preliminary estimates are that approximately 10,000 documents will need to be reviewed); and (2) due to the ongoing

litigation between the United States and Greka, it requires EPA consultation with the United States Department of Justice regarding privilege determinations. Consequently, EPA anticipates that an extension beyond ten working days will be necessary to process your request.

As soon as EPA receives Greka's commitment to pay the costs the United States will incur responding to the request, EPA will begin collecting records and will provide non-privileged, responsive documents on an ongoing basis. Because of the voluminous records involved, limited staff resources, and the sensitivity of the records in light of the ongoing litigation, EPA expects that it will take six months or more to fully process your request. As a result, EPA is granting you the opportunity to either modify your request so that it can be processed within the statutory time frame provided in Section 552(a)(6)(B)(i) or arrange with EPA an alternate time frame for processing the request or a modified request.

Thank you for your attention to this matter. If you have any questions, please feel free to contact me at (415) 972-3034.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael Massey", followed by a long horizontal line extending to the right.

Michael Massey  
Assistant Regional Counsel

cc: Ivry Johnson, R9 FOIA Officer